REMARKS/ARGUMENTS

The non-final Office Action of January 15, 2010, has been reviewed and these remarks are responsive thereto. Claims 1, 3, 7, 9, 11, 12, 31-33, and 35-38 have been amended, no claims have been canceled, and new claims 40 and 41 have been added. No new matter has been introduced. Claims 1, 3, 7, 9, 11, 12, 27, and 30-41 are thus pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1, 3, 7, 9, 11, 12, 27, 30, 31, 33, 35, 36, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,005,601 (Ohkura), in view of U.S. Patent No. 6,172,674 (Etheredge). Claims 32, 34, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkura, in view of Etheredge, and further in view of U.S. Patent No. 6,323,911 (Schein). Applicants traverse these rejections for at least the following reasons.

1. The Office Has Failed To Provide An Articulated Reason, Motivation, Or Analysis To Support The Purported Combination Of Ohkura And Etheredge

Preliminarily, Applicants submit that the Office has failed to explain why a person of ordinary skill in the art would combine Ohkura with Etheredge. As the Supreme Court has ruled, an analysis regarding the interrelated teachings of multiple patents, the effects of demands known to the design community or present in the marketplace, and the background knowledge possessed by a person having ordinary skill in the art should be made explicit in the record to determine whether there was an apparent reason to combine the known elements in the fashion claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (2007) (emphasis added). Indeed, rejections on obviousness grounds cannot be sustained by mere conclusory statements—instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.* (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

Rather than providing an explicit analysis, however, the Office Action simply states that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to combine Etheredge's teaching with Ohkura's method as more convenient method [*sic*] of setting the

programming time via the slide knob." (Office Action at 3). This conclusory statement falls far short of the explicit analysis required by *KSR*. Since no explicit analysis is provided, and no portions of Okhura or Etheredge are identified to suggest the purported combination, the Office Action's combination of Ohkura and Etheredge is, at best, the product of impermissible hindsight. Accordingly, since the Office Action provides no articulated reasoning regarding the supposed combination of Ohkura and Etheredge, the rejections under 35 U.S.C. § 103(a) should therefore be withdrawn on this basis alone.

2. Independent Claims 1, 3, 7, and 9

Furthermore, even if it is proper, which Applicants do not admit, the supposed combination of Ohkura and Etheredge, does not result in the claimed invention. Amended claims 1, 3, 7, and 9 each recite, *inter alia*, "display[ing] a plurality of programming content sliders, … wherein each of the plurality of sliders corresponds to a different aspect of programming content and wherein each of the plurality of sliders is associated with a different set of content-related characteristics of broadcast programs." Since none of the cited references, alone or in combination, teaches or suggests a plurality of programming content sliders corresponding to different aspects of programming content and comprising content-related characteristics, independent claims 1, 3, 7, and 9 are not obvious in view of any possible combination of the cited references.

With respect to the Okhura reference, the Office Action correctly acknowledges on page 4 that, "Okhura does not teach sliders which are draggable." In fact, Okhura does not describe sliders at all, but describes only an entirely different user interface component in which a cursor may be moved up or down in response to a user manually depressing the up and down keys of a controller device. (Ohkura at 9:18-24; FIGS. 10(a-1) to 10(d-2)).

The Office then relies on Etheredge (Fig. 4, slider 234; col. 21, ll. 27-37) as allegedly teaching "wherein draggable slide knobs are used to filter program data." (Office Action at 4). Applicants respectfully disagree. Etheredge describes a slider 234 that is used as a "means for reducing the set of information presented to the user." (Col. 20, ll. 25-26). The slider 234 operates by allowing the user to increase or decrease the number of titles that will be presented in the EPG based on the user's recorded preferences for different shows, topics, and the user's

regard for a critic's criteria and an agent's criteria. (Figs. 4 and 29; col. 20, line 27 to col. 21 line 37).

However, Etheredge does not cure the deficiencies of Okhura with respect to the plurality of programming content sliders recited in independent claims 1, 3, 7, and 9. First, Etherege's slider 234 only selects titles based on the user's preference, and thus is not a programming content slider, as recited in claims 1, 3, 7, and 9. In fact, the Office Action never even alleges that Etherege's slider 234 is a "programming content" slider that corresponds to an "aspect of programming content" and comprises "content-related characteristics of broadcast programs," as required by claims 1, 3, 7, and 9. Rather, the Office Action only states that "[Etheredge's] draggable slide knobs are used to filter program data." (Office Action at 4). Thus, the Office has failed to make a *prima facie* rejection of claims 1, 3, 7, and 9, based on this deficiency of Etheredge.

Further, even assuming, without admitting, that Etherege's slider 234 is a programming content slider, Etheredge still does not teach or suggest "a plurality of programming content sliders" each corresponding to "a different aspect of programming content" and associated with "a different set of content-related characteristics," as recited in claims 1, 3, 7, and 9. Etheredge discloses a single slider only, slider 234, which can be moved to increase or decrease the number of titles displayed in the EPG based on user preferences. (Figs. 4 and 29; col. 20, line 27 to col. 21 line 37). Thus, Etheredge does not disclose a plurality of programming content sliders, as claimed. Etheredge also does not teach or suggest any way of replicating its single slider 234, nor would there be any reason to do so in the context of Etheredge's disclosure. Since Etheredge's single slider 234 only increases or decreases the number of titles, multiple sliders in Etheredge would be unnecessary and confusing. Further, Etheredge's single slider 234 is only based on user preferences. Thus, even if Etheredge taught multiple sliders, which is does not, Etheredge still would not teach or suggest multiple sliders corresponding to different aspects of programming content, as recited in claims 1, 3, 7, and 9.

For at least the reasons discussed above, neither Ohkura nor Etheredge, alone or in combination, teaches or suggests, "display[ing] a plurality of programming content sliders, … wherein each of the plurality of sliders corresponds to a different aspect of programming content and wherein each of the plurality of sliders is associated with a different set of content-related

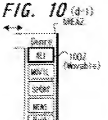
characteristics of broadcast programs." Schein fails to cure the deficiencies of Ohkura and Etheredge, because Schein also does not teach or suggest displaying a plurality of programming content sliders corresponding to different aspects of programming content. The relied-upon portions of Schein only allow users to perform a text search for movies having a certain type, actor or actress, etc., and Schein is completely devoid of any teaching or suggestion of a programming content slider. (Col. 13:15-24). Therefore, independent claims 1, 3, 7, and 9 are not obvious over the cited references. Dependent claims 11, 12, 27, and 30-39 are also not obvious for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

3. Dependent Claims 11, 12, 27, and 30-39

Dependent claims 11, 12, 27, and 30-39 are not obvious over the cited references for at least the same reasons as independent claims 1, 3, 7, and 9, as well as based on the additional patentable features recited therein.

For example, amended claims 31 and 36 each recite, "a genre slider with a draggable genre slide knob." The Office Action alleges on page 5 that this feature is taught by Ohkura at FIG. 10(d-1). Applicants respectfully disagree. This relied-upon figure and corresponding specification description are reproduced below:

FIG. 10 (d-1)



Specifically, as shown in FIG. **10** (d-1), when the cursor **100Z** of the area **Z** is movable, if the left button switch **126** is depressed once, then the area in which the movable cursor exists is moved to the area **Y** shown in FIG. **10** (c-1) (cursor **100Y** becomes movable).

FIG. 10(d-1); col. 11, lines 39-43. As discussed above, Ohkura only relates to cursor areas operated by depressing buttons on the controller device. See FIG. 10; col. 9, lines 18-24. In this example, Ohkura describes a movable cursor 100Z that can be changed by the arrow keys of the remote control to select a programming type. However, neither these portions nor any other

portion of Ohkura teaches or even suggests "a genre slider with a draggable genre slide knob," as recited in claims 31 and 36.

Additionally, amended claims 32 and 37 each recite, "an actor slider with a draggable actor slide knob." The Office Action correctly acknowledges on page 6 that neither Ohkura nor Etheredge teaches an actor slider or director slider as claimed. However, the Office Action then alleges that Schein teaches an actor slider at col. 13, lines 15-24. Applicants respectfully disagree. The relied-upon section of Schein describes a method that allows users to perform text searches for movies that have a certain actor or actress. (Col. 13, lines 21-24). However, entering text to perform a search is not the same or equivalent to an, "actor slider with a draggable actor slide knob," as recited in claims 32 and 37.

Additionally, amended claims 33 and 38 each recite, "updat[ing] the display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on a changed value of the first programming content slider." Claims 34 and 39 depend respectively from claims 33 and 38, and further recite updating the values of one programming content slider (an actor slider or director slider), in response to the dragging of another programming content slider (a genre slider). As discussed above, none of Okhura, Etheredge, or Schein discloses multiple sliders corresponding to different aspects of programming content. Thus, the cited references also do not teach or suggest modifying one programming content slider based on a changed value of another programming content slider. In fact, the cited references, considered alone or in combination, are utterly devoid of any sort of interaction between multiple programming content sliders, as recited in amended claims 33, 34, 38, and 39.

Accordingly, amended claims 31-34, and 36-39 are not obvious over the cited references for at least these additional reasons.

New Claims

Applicants have added new claims 40 and 41 to more fully claim the invention. No new matter has been introduced, and claims 40 and 41 are supported by the specification as originally filed, for example, at page 15, lines 16-20. Claims 40 and 41 each recite, "wherein the first programming content slider corresponds to a director slider with a draggable director slide knob,

and wherein the director slider is associated with a set of names of directors of the broadcast programs displayed on the electronic program guide." The Office Action acknowledges on page 6 that neither Ohkura nor Etheredge teaches a director slider with a draggable slide knob. Further, as discussed above, the Schein reference only allows users to perform a text search for movies having a certain type, actor or actress, etc., but is devoid of any teaching or suggestion of actor slider. (Col. 13:15-24). Schein is also devoid of any teaching whatsoever that would allow users to search or narrow an EPG based on a director of the broadcast programs. Thus, neither Okhura, nor Etheredge, nor Schein, alone or in combination, teaches or suggests a "director slider" having a "draggable director slide knob," for selecting programming data in an electronic program guide data, or any similar concept. Accordingly, claims 40 and 41 are allowable over the cited references for at least this additional reason.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,

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